

REMARKS

Claims 1–34 were pending in the application. Claims 1–32 were rejected under 35 U.S.C. § 102(b). With this Reply, Applicant has amended claims 1, 15–19, 22–24, 28, and 32 and canceled claims 13, 14, 29–31, 33 and 34. Hence, claims 1–12, 15–28 and 32 are pending. Applicant respectfully traverses the Examiner's rejections for at least the reasons stated below and respectfully requests the Examiner to reconsider and withdraw those rejections.

Claims 33 and 34

In the Office Action Summary, the Examiner listed only claims 1–32 as pending in the application. Applicant respectfully notes that claims 33 and 34 were also pending before this amendment. With this Reply, Applicant has canceled claims 33 and 34.

Grant of European Application

Applicant notes that the claims have been amended to substantially conform to the claims of the present application's counterpart, which has been granted in the European Patent Office. The counterpart application was published November 14, 2007 as European Patent Specification EP 1 485 595 B1. Applicant encloses a copy of European Patent Specification EP 1 485 595 B1 with this Reply.

Specifically, independent claims 1 and 32 have been amended to include the limitations "providing an electronic control unit (ECU) including micro-processing means for dynamically controlling one or more engine operating characteristics," and "providing vaporizing means for reducing liquid secondary fuel to gas upstream of the secondary fuel injection means to allow delivery of the secondary fuel in gaseous form to the secondary fuel injection means, wherein the vaporizing means is under the control of the ECU to allow dynamic control of delivery of the gaseous secondary fuel to the secondary fuel injection means."

Applicant respectfully notes that support for the ECU limitation is found in the specification at least at paragraphs [0025]–[0029] and [0071]. Applicant further

notes that support for the vaporizing means and related limitations is found in the specification at least at paragraphs [0031], [0032], [0034], [0024] and [0069].

Other claims have been amended for consistency, for standard American English, and to substantially conform with the dependent claims of the counterpart application as granted by the European Patent Office.

Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1–34 under 35 U.S.C. § 102(b) as allegedly being anticipated by Jensen, U.S. Patent No. 4,865,001 ("Jensen"). Applicant respectfully traverses these rejections for at least the reasons stated below.

For a claim to be anticipated under 35 U.S.C. § 102, each and every claim limitation **must** be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. § 2131.

Applicant respectfully asserts that Jensen does not disclose several of the limitations of independent claim 1, as amended, and similarly of independent claim 32, as amended. In particular, Jensen does not disclose "providing secondary fuel injection means . . . for injecting the secondary fuel into the cylinders" or "providing vaporizing means for reducing liquid secondary fuel to gas . . .," as recited in claim 1, as amended, and similarly in claim 32, as amended.

Jensen does not disclose "providing secondary fuel injection means . . . for injecting the secondary fuel into the cylinders," as recited in claim 1, as amended, and similarly in claim 32, as amended. As understood by Applicant, the Examiner cites "col. 2, line 5 through col. 6, line 60" as allegedly disclosing this limitation. Applicant notes that col. 2, line 5 through col. 6, line 60 of Jensen represents the entire description of the preferred embodiment and claim sections of the Jensen patent. The Examiner has not cited to any specific passage of Jensen as allegedly disclosing this limitation and therefore has not met the requirement under 37 C.F.R. §1.104(c)(2). Applicant respectfully traverses the Examiner's rejection.

Jensen discloses a gaseous fuel injector valve for diesel engines. The entire disclosure of Jensen relates specifically to systems for use with diesel engines. There

is no disclosure in Jensen that deals with a secondary type of fuel besides diesel fuel. In fact, nowhere in Jensen is a dual-fuel engine mentioned at all.

Nor is there any disclosure in Jensen of injecting a secondary fuel into the cylinders. Jensen is dedicated entirely to injection of one type of fuel-diesel fuel-into a diesel engine.

For at least the reasons stated above, Jensen does not disclose "providing secondary fuel injection means . . . for injecting the secondary fuel into the cylinders," as recited in claim 1, as amended, and similarly in claim 32, as amended. Therefore, Jensen does not disclose all of the limitations of claim 1, and thus Jensen does not anticipate claim 1. M.P.E.P. § 2131. For at least the same reasons, Jensen does not anticipate claim 32, as amended, which contains a similar limitation.

Further, Applicant respectfully submits that Jensen does not disclose "providing vaporizing means for reducing liquid secondary fuel to gas," as recited in claim 1, as amended, and similarly in claim 32, as amended. This limitation was added with the amendments made in this Reply, thus the Examiner has not cited any particular passage of Jensen as allegedly anticipating the limitation.

As discussed above, Jensen discloses a gaseous fuel injector valve for diesel engines. Jensen does not disclose any vaporizing means at all, nor does Jensen discuss the desirability of vaporizing a secondary fuel (or, indeed, any fuel at all). Consequently, Jensen further does not disclose any limitation related to the vaporizing means, such as the vaporizing means located "upstream of the secondary injection means to allow delivery of the secondary fuel in gaseous form to the secondary fuel injection means" and "the vaporizing means being under the control of the ECU to allow dynamic control of delivery of the gaseous secondary fuel to the secondary fuel injection means," as recited in claim 1, as amended, and similarly in claim 32, as amended.

For at least the reasons stated above, Jensen does not disclose "providing vaporizing means for reducing liquid secondary fuel to gas," as recited in claim 1, as amended, and similarly in claim 32, as amended. Therefore, Jensen does not disclose all of the limitations of claim 1, and thus Jensen does not anticipate claim 1. M.P.E.P.

§ 2131. For at least these same reasons, Jenson does not anticipate claim 32, as amended, which contains a similar limitation.

Applicant further notes that the Examiner did not specifically address any limitation found in any of dependent claims 2–12 and 15–28. The Examiner is reminded that in order to establish a *prima facie* case of anticipation, the Examiner must provide a single prior art reference that expressly or inherently describes each and every element as set forth in the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Since the Examiner has not addressed any limitation of any dependent claim, the Examiner has not established a *prima facie* case of anticipation in rejecting claims 2–12 and 15–28.

Claims 2–12 and 15–28 depend from claim 1 and are therefore not anticipated by Jenson for at least the reasons stated above with reference to claim 1.

Applicant submits that claims 1–12, 15–28 and 32 are not anticipated by Jensen for at least the reasons stated above, and respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 102(b).

CONCLUSION

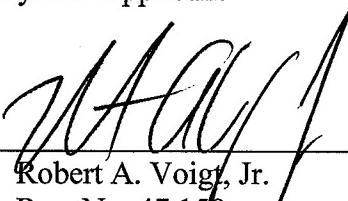
For at least the reasons stated above, Applicant asserts that claims 1–12, 15–28 and 32 in the Application are in condition for allowance, and Applicant respectfully requests an allowance of such claims. Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

WINSTEAD P.C.

Attorneys for Applicant

By:


Robert A. Voigt, Jr.
Reg. No. 47,159

P.O. Box 50784
Dallas, Texas 75201
(512) 370-2832